

DECLARATION FOR PATENT APPLICATION

Docket number (optional)

K1008/20399

As a below named inventor, I hereby declare

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TRANSMYOCARDIAL REVASCULARIZATION SYSTEM AND METHOD OF USE

the specification of which is attached hereto unless the following box is checked:

☐ Was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under 35 U. S. C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

NONE
 (Number) (Country) (Day/Month/Year Filed)
 (Number) (Country) (Day/Month/Year Filed)

Yes No

Yes No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

NONE
 Application Number (Filing Date)
 Application Number (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international date of this application.

08/958,788 October 29, 1997 pending
 (Application Number) (Filing Date) (Status-patented, pending, abandoned)
 (Application Number) (Filing Date) (Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Alan H. Bernstein (Registration No. 19,315); Stanley H. Cohen (Registration No. 20,235); Manny D. Pokotilow (Registration No. 22,492); Barry A Stein (Registration No. 25,257); Martin L. Faigus (Registration No. 24,364); Eric S. Marzluf (Registration No. 27,454); Robert S. Silver (Registration No. 35,681); Scott M. Slomowitz (Registration No. 39,032); Michael J. Berkowitz (Registration No. 39,607); David M. Tener (Registration No. 37,054); James J. Kozuch (Registration No. 39,733); and Frank M. Linguiti (Registration No. 32,424) care of Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., 12th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania 19103-2212, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Douglas G. Evans

Inventor's signature Douglas G. EvansDate 7/28/99Residence 202 Foxtail Lane, Downingtown, PA 19355Citizenship U.S.A.Post Office Address 202 Foxtail Lane, Downingtown, PA 19335

Full name of second joint inventor, if any (given name, family name) John E. Nash

Second inventor's signature John E. NashDate 8/4/99Residence 1201 North Chester Springs Road, P.O. Box 348 Chester Springs, PA 19425Citizenship U.S.A.Post Office Address 1201 North Chester Springs Road, P.O. Box 348, Chester Springs, PA 19425

Additional inventors are being named on separately numbered sheets attached hereto.

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS **(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR**

Docket Number (Optional)
 K1008/20399

Applicant or Patentee: Douglas G. Evans and John E. Nash

Serial or Patent No.: _____

Filed or Issued: _____

Title: TRANSMYOCARDIAL REVASCULARIZATION SYSTEM AND METHOD OF USE

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☒ Each such person, concern or organization is listed below.

Kensley Nash Corporation
 Marsh Creek Corporate Center
 55 East Uwchlan Avenue, Suite 204
 Exton, PA 19341

Separate verified statements are required from each named person, concern or organization having rights to the invention availing to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Douglas G. Evans

John E. Nash

NAME OF INVENTOR

Douglas G. Evans

Signature of inventor

7/28/99

Date

NAME OF INVENTOR

John E. Nash

Signature of inventor

8/4/99

Date

NAME OF INVENTOR

Signature of inventor

Date

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)
 K1008/20399

Applicant or Patentee: Douglas G. Evans and John E. Nash
 Serial or Patent No.: _____
 Filed or Issued: _____
 Title: TRANSMYOCARDIAL REVASCULARIZATION SYSTEM AND METHOD OF USE

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Kensley Nash Corporation
 ADDRESS OF SMALL BUSINESS CONCERN Marsh Creek Corporate Center
55 East Uwchlan Avenue, Suite 204
Exton, PA 19341

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING John E. Nash
 TITLE OF PERSON IF OTHER THAN OWNER Vice President of New Technology
 ADDRESS OF PERSON SIGNING Marsh Creek Corporate Center, 55 East Uwchlan Avenue,
Suite 204, Exton, PA 19341
 SIGNATURE *John E. Nash* DATE 8/4/99